IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 5TH DECEMBER 2006 / 14TH AGRAHAYANA 1928

W.A.No. 656 of 2005()

AGAINST THE JUDGEMENT/ORDER IN WPC.22803/2004 Dated 04/11/2004
.....

APPELLANT/ THIRD PARATY:

KOLLAM JILLA KALLU CHETHU MADYA
VYAVASAYA THOZHILALI UNION, (REG.NO.02/04/2004)
KARUNAGAPPALLY, KOLLAM DISTRICT REPRESENTED BY
ITS SECRETARY, N. BHADRAN PILLAI.

BY ADV.SRI.NAGARAJ NARAYANAN
SRI.M.K.DAMODARAN (SR.)
SRI.NAIR AJAY KRISHNAN
SRI.SAIJO HASSAN
SRI.A.S.SABU
SRI.JIBU P THOMAS

RESPONDENTS/ PETITIONER & RESPONDENTS:
---

1. RAVEENDRAN PILLAI, S/O. K.K.GOPALA PILLAI,
CHARUVILA PUTHEN VEEDU,
PATTAZHI, PATHANAPURAM.

2. STATE OF KERALA, REPRESENTED BY THE
CHIEF SECRETARY TO GOVERNMENT OF KERALA,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

3. JOINT LABOUR COMMISSIONER AND
CHIEF WELFARE FUND INSPECTOR, KERALA ABKARI
WORKERS WELFARE FUND BOARD, THIRUVANANTHAPURAM.

4. ASSISTANT EXCISE COMMISSIONER, KOLLAM.

5. EXCISE CIRCLE INSPECTOR,
EXCISE CIRCLE OFFICE, PUNALUR.

6. P. SATHEESAN, S/O. VASUDEVAN,
   LAKSHMI NIVAS, PATHANAPURAM P.O.,
   PATHANAPURAM.

7. G. VINOD KUMAR, S/O. GOVINDA PILLAI,
   CHAMAVILA VEEDU, KIZHAKKEBHAGAM,
   PUNNALA VILLAGE, PATHANAPURAM.

8. PURUSHOTHAMAN PILLAI, S/O. GOVINDA
   PILLAI, KIZHAKKEBHAGAM, PATHANAPURAM P.O.

9. MADHYA VYAVASAYA THOZHILALI SAMKRAKSHNA
   SAMITHY, (MTSS), REGISTRATION NO.1110/98,
   GOVINDAMANDIRAM, THYCAUD, THIRUVANANTHAPURAM
   REPRESENTED BY ITS GENERAL SECRETARY,
   K.P. VIDHYADHARAN.

10. C.R. SUKUMARAN, PRESIDENT
    MADHYA VYAVASAYA THOZHILALI SAMRAKSHANA SAMATHY
    PATHANAMTHITTA DISTRICT, RESIDING AT
    CHEMBAKASSERRY, ADOOR P.O., PATHANAMTHITTA.

BY GOVERNMENT PLEADER SRI.NOBLE MATHEW
ADV. SRI.VPK.PANICKER
SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL)
SMT.SREELEKHA PUTHALATH
SRI.A.S.DILEEEP
SRI.ABRAHAM GEORGE JACOB
SRI.S.GOWTHAM
SRI.K.K.BABU,SC FOR KAWWFB.
SRI.B.MOHANLAL
SRI.C.R.SIVAKUMAR
SRI.A.N.RAJAN BABU
SRI.V.K.MOHANAN, SC, KAWWF BOARD
SRI.SOJAN JAMES, SC,KAWWF BOARD

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 05/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & M.N.KRISHNAN,JJ

W.A.No.656 OF 2005

DATED THIS THE 5TH DECEMBER, 2006

JUDGMENT

The point raised in this appeal has been considered by the apex court in **Kerala Samsthana Chethu Thozhilali Union Vs. State of Kerala [2006 (2) KLT 270 (SC)]** and it was held that the rule is ultravires and the judgment of this court reported in **Anilkumar Vs. State of Kerala (2005 (1) KLT 130)** stands overruled. Hence, this appeal is dismissed.

K.S.RADHAKRISHNAN,JUDGE.

M.N.KRISHNAN,JUDGE

dvs